

ORIGINAL

Decision No. 4788.

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
PENINSULAR RAILWAY COMPANY for per-)
mission to construct, maintain and oper-)
ate a track at grade from its track on)
University Avenue Extension near the)
City of Palo Alto across the westerly)
side of said University Avenue Exten-)
sion and across a certain spur track of)
the Southern Pacific Company.)

Application No. 3228.

BY THE COMMISSION.

O R D E R.

PENINSULAR RAILWAY COMPANY, a corporation, having on September 25, 1917, filed with the Commission an application for permission to construct a spur track at grade across the westerly side of University Avenue Extension and a spur track of the Southern Pacific Company, near Palo Alto, Santa Clara County, California, as hereinafter indicated; and for the approval of a certain agreement between Southern Pacific Railroad Company, Southern Pacific Company and Peninsular Railway Company, dated September 1, 1917; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the proposed crossing is not within the limits of an incorporated town or city and no franchise is needed for the construction of said crossing at grade; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said avenue and spur track of the Southern Pacific Company; and that as to the agreement there is no reason why the same should not be approved, and that this application should be granted subject to the

conditions hereinafter specified:

IT IS HEREBY ORDERED, That the agreement of September 1, 1917 hereinbefore referred to be and the same hereby is approved.

IT IS HEREBY FURTHER ORDERED, That permission be and the same hereby is granted Peninsular Railway Company to construct its spur track at grade across the westerly side of University Avenue Extension and a spur track of the Southern Pacific Company, near Palo Alto, Santa Clara County, California, on the northerly side of Peninsular Railway Company's main line, as shown by the map attached to the application; said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing the crossing, of University Avenue Extension, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of University Avenue Extension now graded, with grades of approach not exceeding three (3) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) After the installation of crossing frogs with the spur track of the Southern Pacific Company all engines, trains, motors and cars of both the Southern Pacific Company and the applicant shall, before passing over the same, come to a full stop and shall not proceed until it has been ascertained that it is safe to do so.

(4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may

seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 23d day of October, 1917.

H. J. Howard
D. Gordon
Edwin O. Edgerton

Commissioners.